

U.S. Patent Application 08/368,378 filed January 14, 1995, which is a continuation-in-part of  
U.S. Patent Application 08/124,292 filed on September 20, 1993-- .

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### **In the Claims:**

Kindly amend claims 3 and 11 as follows:

(3) (AMENDED) A method of claim 1, which causes minimum [little or no serious] liver damage, uric acid increases or elevations in fasting glucose levels.

(11)(Amended) A method, as set forth in Claim 10 [11], wherein the amount of nicotiny alcohol tartrate is from about 100 milligrams to about 500 milligrams per dosage unit.

### **Remarks**

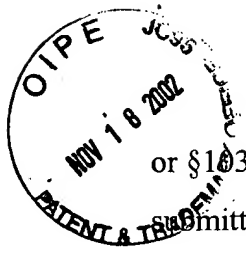
In view of the amendments made herein to claims 3 and 11 and the specification, Applicant respectfully submits that the Examiner's previous rejection of all claims is no longer applicable and, therefore, should be discontinued.

Applicant respectfully traverses the Evenstad anticipatory rejections. Evenstad simply discloses a formulation without any reference to any kind of utility as to hyperlipidemic treatment whatsoever. It is therefore respectfully submitted that Evenstad cannot be an anticipatory reference.

O'Neill likewise cannot be an anticipatory reference under §102(e) in view of the declarations filed in the parent and grand parent cases, which have removed O'Neill as an anticipatory reference under §102(e).

As to the Examiner's §103 rejections, the combination created by the Examiner must fail for several reasons, including for the same reason that O'Neill fails under §102(e).

It is therefore respectfully submitted that the claims, as now amended herein, overcome the Examiner's rejection raised in the Office Action dated October 3, 2000. It is also respectfully submitted that all presently pending claims are patentably distinct over the disclosures of record when the disclosures are considered either alone under 35 U.S.C. §102



or §103 or in any appropriate combination under 35 U.S.C. §103. It is further respectfully submitted that all currently pending claims are in conformance with 35 U.S.C. §112.

As a result of the foregoing remarks, it is respectfully submitted that the present application and all pending claims are now in condition for allowance. Therefore, early passage of the above-reference application for U.S. patent to issuance is earnestly solicited.

The Commissioner is hereby authorized to credit overpayments or charge all fees required under 37 C.F.R. §1.16 and §1.17 at the large entity status rate, including any and all necessary or required extension of time fees to file this or other papers in the above-identified application for U.S. patent, to Deposit Account No. 50-0951/32892.00023(Kos).

**NOTICE OF CHANGE OF ADDRESS**

It is respectfully requested that the Commissioner update this case to reflect the new address for the attorney of record, Peter J. Manso, Registration No. 32,264, as follows:

Edwards & Angell, LLP  
350 East Las Olas Boulevard  
Suite 1150  
Ft. Lauderdale, FL 33301

Should the Examiner have any questions or require additional information or clarification, Applicant requests that the Examiner contact the attorney of record Peter J. Manso, at the telephone numbers listed below.

Respectfully Submitted,

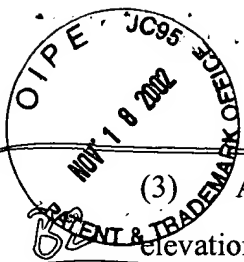
Peter J. Manso  
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November 13, 2001

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This application for U.S. patent is a continuation of U.S. Patent Application  
08/814,974, filed March 6, 1997, which is a continuation-in-part of U.S. Patent Application  
08/368,378 filed January 14, 1995, which is a continuation-in-part of U.S. Patent Application  
08/124,292 filed on September 20, 1993.



(3)

A method of claim 1, which causes minimum liver damage, uric acid increases or elevations in fasting glucose levels.

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(11) A method, as set forth in Claim 10, wherein the amount of nicotiny alcohol tartrate is from about 100 milligrams to about 500 milligrams per dosage unit.